

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING)**

April 23, 2001

7:00 PM

Chairman Cashin called the meeting to order.

Chairman Cashin called for the Pledge of Allegiance, this function being led by Alderman Levasseur.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Gatsas (late), Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin and Thibault

Absent: Aldermen Wihby and Hirschmann

Chairman Cashin advised that the purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to the proposed Building and Fire Code Ordinances; that the Clerk will present the proposed Ordinances for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the proposed Building and Fire Code Ordinances:

"Repealing the 1987 BOCA National Building Code as adopted in Section 151.01 of the City of Manchester Code of Ordinances, and the Housing Code as adopted in Section 150.001 of the City of Manchester Code of Ordinances, and adopting the 2000 editions of the *International Building Code*, *International Property Maintenance Code*, *International Mechanical Code* and the *International Fuel Gas Code*, as well as the 1999 edition of *The National Electric Code* and the 1993 edition of *BOCA Plumbing Code*; establishing minimum regulations governing buildings and structures; and establishing fees for the issuance of permits and certificates for the construction and occupancy of buildings and structures."

"Repealing the BOCA/*National Fire Prevention Code*, 1990 adopted in Section 92.05 of the City of Manchester Code of Ordinances, and adopting the 2000 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Manchester; and providing for the issuance of permits and the collecting of fees for hazardous uses or operations.

Chairman Cashin requested that Leon LaFreniere, Building Commissioner, make a presentation.

Mr. LaFreniere stated we are here this evening to present the first comprehensive update of the City's building codes since 1989. I would like to speak for approximately 10-15 minutes in an effort to highlight some of the significant changes that we are recommending. These changes represent some policy issues for your consideration. After this introduction, I would be pleased to answer any questions that you might have. With me this evening is Matthew Sink, who is the City's Deputy Building Commissioner and Al Kula, who is the Chief of the Building Department's Housing Standards Division. Also here this evening is Mr. Martin Conant, Manager of Member Services, Northeast Region of BOCA International and Mr. Michael Santa, who along with his other responsibilities is also the President of the New Hampshire Building Officials Association. These gentlemen have contributed greatly to this effort and will assist in answering specific questions. As early as 1911, Manchester adopted its own building code in response to some of the major conflagrations experienced in other cities around the country. These early efforts reflected our local environment as well as national experiences and standards. Over the years, as the influence on codes became more regional and national in nature, national model code standards have become the norm. Manchester began utilizing national model codes with the 1960 BOCA Code. However, significant local amendments altering those requirements were retained. In this current effort, we have made a deliberate attempt to create as few local amendments as possible. This methodology recognizes the technological advances recognized in the current codes, as well as the benefits realized from uniform standards as administered by other governmental agencies. I would like to now identify for you some of these changes.

Permit Fee Schedules – This proposed ordinance contains a significantly different approach to the application of permit fees to that of the existing ordinance. The existing fee schedule has not been revised in approximately nine years. The current structure does not apply an equitable distribution of the revenue burden. The permit costs for renovation and restoration projects are well over 600% higher than comparable new construction projects. While renovation projects typically result in some additional cost to the City due to their complexity this disparity does not provide any incentive to rehabilitate existing structures. This proposal substantially reduces the cost differential. In so doing, it both reduces the permit cost for renovation projects, and places our fees in

a competitive position with comparable communities in the state. This schedule does not reflect an effort to increase fees, but rather to apply them more equitably. Update of technical requirements – the existing 1987 editions of the model codes were adopted in 1989. This proposal recommends adoption of the 1996 editions of the BOCA National Building Code, BOCA National Property Maintenance Code, International Mechanical Code and the National Electrical Code. It also recommends adoption of the 1993 edition of the BOCA National Plumbing Code. These codes recognize significant changes in technology realized since the 1987 editions of the codes. One area of change relates to the way that code standards are applied to existing structures. The 2000 International Building Code provides alternatives for compliance when existing structures are renovated, or have changes in occupancy, that were not adopted in the existing ordinance. Adoption of the 2000 International Property Maintenance Code – this ordinance proposes to repeal the existing local Housing Code and replace it with the national standards contained in the International Property Maintenance Code. We are proposing that the scope of the code be modified to be consistent with the existing Housing Code. This is done by eliminating references to non-residential property. Non-residential property is addressed through the Fire Department's administration of the Fire Code, and the NFPA Life Safety Code as directed by the State Fire Marshall. The technical requirements of the Property Maintenance Code reflect code language that is consistent with the Building Code. The elimination of conflicts between the codes is critical to enforcement efforts. The existing Housing Code text is almost twenty years old and does not reflect current technology. The only major revision to the proposed code is to add the technical requirements for the existing Certificate of Compliance Program. Changes to the Certificate of Compliance Program Scope – the existing Certificate of Compliance Program covers all residential rental properties, regardless of the number of units contained therein. This draft contains a proposal to exempt the owner occupied dwelling unit in all structures from the program scope. This proposal is intended to recognize the benefits associated with owner occupancy of these structures. Associated with this change is a proposal to eliminate the temporary exemption established in the original ordinance. This exemption is extended to structures that have been the owners principal resident continuously since 9/2/86, and contain no more than four dwelling units. While many of the properties that originally enjoyed this exemption are no longer exempt, those that remain represent an administrative challenge and are often the subject of tenant complaints.

Chairman Cashin called for those wishing to speak in favor.

Arthur Rose, Goffstown stated:

I am here tonight to speak in favor of the proposed Building and Fire Code Ordinances. I am an engineer who does a lot of work in Manchester and believe that the City really needs to adopt these updated codes. Thank you.

Fred Matuszewski, 2366 Elm Street, Manchester stated:

I am an architect with Corzelius, Matuszewski & Krause Architects. I am here to speak in favor of the adoption of the 2000 editions of the International Building Code. This change is long past due in the City and I urge the Board of Aldermen to vote in favor of this ordinance.

Ray Hebert, Manchester stated:

I am a member of the Contractors & Builders Association and we are very much in favor of the proposed Building and Fire Code ordinances. A lot of safety issues are getting missed with the 1987 BOCA National Building Code. I believe that it is imperative that the City adopt these updated codes to insure the safety of the citizens of Manchester.

John Urdi, 697 Union Street, Manchester stated:

I am a registered architect and principal in the firm of Denis Mires Architects. I just came here to speak in favor of the adoption of the proposed Building and Fire Code ordinances. Thank you.

Bob Duval, 120 Kennard Road, Manchester stated:

I am a registered professional engineer and am here just to let you know that I think you should pass the proposed ordinances.

Kevin Lefebvre, 16 Depot Street, Weare stated:

Thanks for the opportunity to speak this evening. I support passing these new building codes. I do a lot of work in Manchester and see a lot of things done incorrectly because it is being done to the 1987 BOCA National Building Code. By adopting these, the City will be current with the State of New Hampshire.

Artemis Paras, 1275 Hanover Street, Manchester stated:

Thank you for giving me the opportunity to comment on this proposal. I generally support the family of codes with their suggested editions as indicated in the legal notice. I became involved with the requested action of the Building and Housing Department about two years ago. At that time, the legal notice did not make clear the department's intent to repeal the existing Housing Code, Chapter 150, City Code of Ordinances. I want to thank Alderman William Cashin and Alderman Robert Pariseau who supported my position that the legal notice at that time was not clear. I also want to recognize Commissioner Leon LaFreniere who made an effort to make clear that in the current action sought, the current housing code, under the authority of RSA 48-A Housing Standards, was indeed going to be repealed. This proprietary code is like the existing Section 8 Housing Standards Code. The department seeks to adopt the International Property Maintenance 2000 edition whose scope shall apply to all existing residential and non-residential structures and their premises. (At this point, Mrs. Paras read from the scope sub-section 101.2 of this code to emphasize the breadth of the scope). I want to

emphasize that all sections of the code relate to the scope as approved by consensus during the code development process. (Mrs. Paras held up the book with this section to show that all current revisions in the code are indicated by a vertical line in the margins of the pages. No vertical line exists along the side of the scope sub-section.) The scope as it is written, stands accepted by the code officials during the code development process. I have some reservations regarding the adoption of the International Property Maintenance Code and I want you to know that the Building Department is proposing a major modification to the subject code's "scope" by limiting the scope to only residential rental properties. This scope generally applies to the City's Housing Code for its application and enforcement through administrative procedures. The City's Housing Code is a proprietary code, not a nationally approved code. To make over a nationally approved code with prescriptive and performance-based standards through a national/international forum into a proprietary Housing Code is unreasonable and makes no sense. If the City names the Code with its edition for purposes of adoption, then it must claim it. There is much good about the Housing Code. I ask the Board to exercise caution in repealing this code. I also want to let you know that House Bill 285 relating to the adoption of the State's building code includes the family of codes (International) with their 2000 editions, however, the International Property Maintenance Code is not included. (Mrs. Paras held up the bill to show that this fact is in the Findings and Purpose section.) I have some suggested amendments to the proposed changes and needed changes to the International Building Code 2000 edition. Sub-section 109.3.1.1. is a new section under Section 109 Inspections. This sub-section is titled Compliance with Site and Plot Plans. I am suggesting that you add the word "certified" to the Site and Plot Plans. I also believe that there was a plan submitted to the Building Department several years ago that did not have an accurate boundary survey. On Chapter 33, Safeguards During Construction, I am suggesting that you amend sub-section 3310.4.1 Grading of lots for new construction by deleting the proposed language and substituting it with the following: "When a new structure is erected on a lot, such lot shall be graded to allow surface water to run-off away from the foundation. No grading shall be allowed that increases the post-development run-off or exceeds it from the predevelopment run-off. Such drainage calculations shall be required to protect adjoining properties from adverse drainage patterns." I have also suggested to Leon LaFreniere the need for a site alterations permit, with as part of the building permit or a separate permit and he was amenable to this suggestion. I urge the Building Department to update its building permit application form, repeal the BOCA 1969 form and replace it with a more current form, either an ICC form or amend a standard form that complies with updated requirements under the building permit section of the 2000 edition of the International Building Code. Finally, I want to thank the Board for the opportunity to present my testimony and I want to thank Leon LaFreniere who met with me prior to this hearing.

Gary Goudreau, 155 Dow Street, Manchester stated:

I am a registered architect with the firm of Lavallee/Brensinger Architects and am here regarding the 2000 International Building Code. I urge the Board to support the adoption of this edition.

Robert Duval, 126 Cohas Avenue, Manchester stated:

I speak as a private citizen. My credentials include: Graduate of West High and NH Technical College-Manchester, Master Electrician New Hampshire License #17, and owner of RA Duval Electrical Trade Seminars. We have recertified electricians in New Hampshire, Maine, Massachusetts and Vermont since 1987. I am past president and chairman of the board of the International Association of Electrical Inspectors Granite State Chapter. I am a professor at my alma mater in every and all phases of the Electrical curriculum since 1983. I teach at the Manchester School of Technology. I was your Electrical Inspector for 17 years and am presently employed as an electrician building our civic center. Let's concentrate on why Manchester citizens deserve better. Here is what we missed out on for years: smoke detectors, only one instead of one on each level. Landlord panel – standby system for smoke detectors, common areas such as halls, cellars and egress lighting and common equipment such as multizone, multi-tenant electrical portion of heating costs. Minimum window size – allows for upstairs bedroom rescue with firefighters in full regulation gear. ISO certification – insurance companies assign demerits and assess penalty points. This covert cost to citizens for being on the wrong codes cannot be understated. Talk to your agent or our Risk Management people. Home improvements – more power to meet today's calculated load. Outlets added to match modern kitchen needs. Added safety in the bathroom in proximity to tub plus adequate increases in our door plus and add garage. I am submitting my proposed amendments to the Electrical Code, which are designed to delete the outdated, preserve the most important, clarify the ambiguous and make the fee structure more equitable. Ladies and gentlemen, 1987, 1990, 1993, 1996 and 1999. Refusal to modernize the Building Code means non-compliance with NH electrical law. Extraneous conflicts like BOCA, NH Plumbing and Housing Code standards should be treated separately. Regardless of any and all prior excuses, it is time to move on. Thank you.

The Clerk noted for the record that there were four letters sent to the City Clerk's Office addressed to the Board of Mayor and Aldermen. These letters were distributed to the Board this evening. The first letter is from Leslie Thomas, an architect with Lavallee/Brensinger noting her support of the adoption of the 2000 International Building Code. The second letter is from Dennis LaBombard on behalf of Structural Engineers of New Hampshire urging the City to adopt IBC 2000 as Manchester's building code. The third letter is from Dana Adams, Executive Vice President of Opechee Construction Corporation in support of adoption of the 2000 International Building Code. The fourth

letter is from Richard Girard advising of his support for the change to the building and housing codes as proposed by Building Commissioner Leon LaFreniere.

Chairman Cashin called for those wishing to speak in opposition.

There were none.

Chairman Cashin opened the meeting up to questions from the Aldermen.

Alderman Levasseur asked about the integration with the Planning and Zoning boards on these proposed codes.

Mr. LaFreniere replied yes there has been integration.

Alderman Levasseur asked is the three-story thing new. It is two and a half stories now.

Mr. LaFreniere answered it always was two and a half stories in speaking to the building code.

Alderman Levasseur asked as far as the grandfather clause, what are we talking about for the grandfather clause here. It has to come all the way to the full Board and then it would take effect upon the day that we all voted on it. I am saying if I have a permit now and I am able to build under this 1987 code I am all set until which date.

Mr. LaFreniere answered you are vested in the requirements under which you received your permit. As with the zoning ordinance, which I know you have had some recent experience with or we all have, the statutory requirements as adopted by this Board require that from the time of notification of this hearing forward the standards of the new code should be applied.

Alderman Levasseur asked so the notification was in the paper on Friday and we are talking from that day forward then.

Mr. LaFreniere answered from whatever that date was. I don't have that date in front of me.

Alderman Levasseur stated I think that is something that people should know. Is that posted in your office?

Mr. LaFreniere replied yes it is.

Alderman Clancy stated Leon I know this is only a draft until we finalize it in Bills on Second Reading. 1987 Heritage 2001, 14 big years gone. That is something like not having an assessment here in town for 10 years. Another thing is here now there are two buildings here in town that I have been asking you about. One on the corner of Auburn and Pine and the other one on Central Street. Those buildings have been burned out for a number of years and they are still there and of course a woman did walk by on Pine Street and got hit in the back of the neck with a brick and I still see the building up there. There has to be some strength in these regulations here where these buildings are being torn down after so many days, weeks or hours. In Massachusetts, the thing is down within 48 hours. What is the story here?

Mr. LaFreniere replied speaking to...

Alderman Clancy interjected you told me two weeks ago that it would be down and it is still standing. Is that true or not?

Mr. LaFreniere replied I said we were attempting to have it down within two weeks. The contractor is in the City Solicitor's Office and he has committed to have it to me in my hand tomorrow morning. The demolition contractor has indicated to us that he will be on the site on Wednesday so that is the day after tomorrow and that is about two weeks. Now it will take a few days to get that property down. The statutory constraints for us to go and tear a building down when the City doesn't own it are defined by state law and not by the building code and we have been constrained by a number of circumstances beyond our control on those two properties and I wish I could tell you a date on 165 Central Street. Unfortunately I can't. We are still working with the Solicitor's Office to try to address the statutory requirement for notification of all lienholders on that property and we cannot find one of the lienholders so we are going to court to try to get a response to that but it does take a requirement or there is mandated in the statute a requirement for us to go through these various processes before we can receive a court order that permits us to go on a private property owners land and take down property so it is a very cumbersome process and I agree with you 100% that it is frustrating and I would like to see that process accelerated somehow and we talked with the state representatives about what modifications might be available to those laws that might provide us with more flexibility but what we are talking about here is not related to the building code but rather related to the statutory limitations of RSA 155(b) related to the removal of hazardous and dilapidated buildings.

Alderman Clancy stated I have another question for you. Other than the Fire Department going around making these inspections on these commercial buildings down in the Millyard, how often do you people go down and inspect them other than when you get complaints.

Mr. LaFreniere replied we go down and make inspections related to permits and inspections related to any complaints but we don't have a periodic inspection that we make of existing non-residential property. We never have.

Alderman Thibault stated the only thing that bothers me a little bit and maybe I didn't understand this correctly but in adopting this new code you said something about local needs and wanting to change some things in there. Could you try to explain some of that so that everyone can understand what you are trying to do here and why are we doing it?

Mr. LaFreniere replied the codes that we are proposing are model codes. They are used internationally by various jurisdictions that may adopt them either by reference or as a standard to administer construction restrictions and requirements. As an international standard, it is designed to apply in all different types of environments – geographic environments, political environments and so forth. As we proposed to adopt the code, there are certain requirements that are peculiar to our part of the country. For example, the snowloading on the roof is not a consideration in Florida. The frost depth is the same sort of issue. Those are the types of geographic and specific modifications that I am talking about when I speak to local requirements when we are making those modifications.

Alderman Thibault asked are those things going to be identified as such.

Mr. LaFreniere answered absolutely. Each of those sections is constructed in the proposed draft so as to specify what language is amended, deleted or replaced and as you go through the text of the code you will see readily where those changes are. Many of them are technical in nature and I can certainly bring those to the Board's attention in whatever depth you feel is appropriate.

Alderman Thibault stated I just wanted to be sure that everybody understands that it is not really a change in the code but some things that you feel this section of the world needs.

Alderman Vaillancourt stated I had a call earlier today from a constituent who was concerned about the fees. You testified earlier that the fees have been lowered in some cases and raised in others. Could you possibly provide us with a one-page sheet noting where the fees have changed? I know in this document it goes into detail with the new fees, but could you give us a comparison of the old versus the new fees where they have been increased and where they have been decreased for the next meeting?

Mr. LaFreniere replied absolutely.

Alderman Shea stated one of the people, Artemis Paras, discussed the housing code. I know that most of the testimony tonight centered on the building code and obviously

there was support and everyone was agreeable there but there was mention about amending the housing code rather than altering it. Could you explain what has previously been in effect and what you are deleting and what you are replacing it with as far as property maintenance and so forth?

Mr. LaFreniere replied sure. The current code as constructed is a proprietary code and what I mean by that is that it is the City of Manchester Housing code and it is not utilized by any other jurisdiction. It is not published as a model code that is adopted by any other jurisdiction or used as a base of criteria by any other jurisdiction. What we are proposing to do is to adopt a standard that has been developed consistently with the construction code requirements, the building code requirements that covers those areas of minimum housing standards and minimum property standards that we are trying to maintain through the administration of our current housing code. In that effort, well let me back up a step. At the time that the housing code was adopted there was no such thing to my knowledge as a model property maintenance code. This is something that was developed in more recent history so it wasn't an option at the time that we adopted the housing code. We have...I believe that it is an area of the code family that is still under development. We have been able to review the code in depth in the context of our existing standards and have tried to make changes, modifications, and amendments if you will that maintain a consistent standard of requirement, consistent standard of minimum housing safety requirements to what we currently administer. The value in my mind of going through this process and through this exercise is the fact that we are able to take advantage of this model document that is developed consistent with the building code. Currently as the codes exist and have been previously adopted by the Board of Mayor and Aldermen, there are inconsistencies between the two standards. There are requirements...for example I made mention earlier that the housing code is not a very technically advanced document and that is because of its age and because at the time of its development it didn't take into consideration some of the advances that we have realized in the construction industry subsequent to its development but by means of example there is a requirement in the housing code that storm windows should be placed on all exterior windows. It takes into consideration no current requirements for modern efficient windows that may be double or triple glazed and may provide weatherization characteristics and energy performance characteristics that far exceed what it was trying to accomplish by having this requirement for a storm window on every window so we have new buildings out there, relatively new buildings, that the building code has required for some time to have a performance standard applied to its energy performances in its window and door packages. So it is fairly rare that we see storm windows on high energy performing windows. It becomes redundant so we have buildings out there that meet current construction standards, exceed the performance criteria that is attempting to be achieved by our old code, yet the old code still requires storm windows in every window. That is just one example but there are a number of nuisances like that that we feel we can gain a great deal of consistency from by adopting

these two model standards in concert with one another. I don't know if I have answered your question, but that is our goal.

Alderman Shea stated I think what the speaker was trying to indicate is that we are not, in essence, loosening any housing code types of articles or sections under the adoption of this particular BOCA code. Are we strengthening, are we lessening, are we making...like you have mentioned consistency in standards but as a Board here if we approve this are we lessening any kind of housing code standards in your opinion or are we strengthening any or are we keeping them the same?

Mr. LaFreniere replied I don't think we are lessening any standards. I think we are improving the standards if anything. I think that the difference comes from the standpoint of...our local proprietary code is very much a specification document and stays you shall do X, Y and Z. The International Code series are designed as a performance code. They don't necessarily say you shall do X, Y and Z but you shall achieve X, Y and Z. You shall achieve an energy performance of X. You shall achieve a heating level of X. It doesn't say necessarily exactly how you are going to do it but it provides a lot more flexibility in how it is accomplished. Overall, I believe that it is an enhancement of the regulations but not to the point where it will create hardships for existing property owners by changing standards. I think that is the balance that we must strike with these types of requirements when we are imposing them on existing buildings is how can we maintain a minimum standard that will achieve a safe and sanitary occupancy for the residents while at the same time not so burdening the owners of property that it becomes uneconomical for them to maintain them.

Alderman Shea asked now when an inspector goes out to inspect housing will that cause that person to have a more difficult time because there is nothing definitive...like you said they shall is now written and you said in your explanation if I followed you correctly that there is a certain level that they are supposed to adhere to but it is sort of undefined.

Mr. LaFreniere answered perhaps by analogy is a bit too general but no I don't believe so because essentially what it does is it affords some flexibility both for the inspector to recognize the different methodologies for standards to be met as well as for property owners and designers to be able to develop alternatives to achieving those standards. I do not believe that it creates any difficulty for administration.

Alderman Shea asked if for instance inspectors come and they find that it is difficult for whatever reason are there provisions whereby we can amend the code so as to adhere to what they feel would give them a certain amount of authority in terms of...

Mr. LaFreniere interjected certainly. This Board can amend at any time the standards and regulations and I would be remiss if I didn't tell you that because of the comprehensive nature of these codes we may be back before you once we start administering them if we

find things that become difficult or are inadequate in our view. We have undertaken this effort from as comprehensive a standpoint as we were able to allocate resources to and it has taken a long time as you heard testimony to get it to the point where we felt comfortable in bringing it to you and comfortable that we could attest to this being a good document that we can effectively administer and will achieve what we are trying to accomplish.

Alderman Lopez stated most of my questions were answered but I would like to look at that word “shall” again. Did I hear you correctly that you could change it if there was a problem? The word shall doesn’t leave any room. How can you change it without coming back and doing an amendment of that particular paragraph?

Mr. LaFreniere replied we wouldn’t change any section of the code. The difference between a specification code and a performance code is that the performance code typically provides alternatives for achieving the requirement and that is all I am saying. The shall requirement may still be there. In the case of the housing code, the minimum temperature ranges that you should be able to achieve in an apartment is still a shall requirement. You shall provide but there may be alternatives to how you can get to that point so the performance level is really what becomes defined in the code and that is what becomes critical. There are many specifications within the code. Certainly there are minimum standards that have to be met in a number of cases and specifications for travel distances as you have heard testimony on heightened area of limitations and those sorts of things. They all exist but frequently there are alternatives for how you can achieve them.

Alderman Lopez stated you did a great job putting this together. I want to make sure that the handicapped and I have discussed this before...do we have any problems in this one like we had in the zoning about handicapped for ramps and stuff like that? I noticed that here there is a charge for \$75 for lifting equipment and stuff like that but I am talking about the ramps. Is there any hidden thing that I don’t see in here?

Mr. LaFreniere replied I don’t think so. Currently because of the dated nature of our 1987 BOCA we actually have more difficulty with that than we will have under the new standard and that stems from the fact that we have in the State of New Hampshire the barrier free design code, which is administered by the Governor’s Commission on Disabilities, which utilizes the standards of the ADA as its operating standards. We have ANCY 117, which are referenced in the building code and we have the ADA itself as those provisions that are specific to our enforcement are involved so we have a lot of different standards in the mix but what we are going to accomplish is kind of consolidating them.

Alderman Gatsas stated Leon maybe you can help me with this. On Page 21 it says fee inspection exemptions.

Mr. LaFreniere asked is that under the Certificate of Compliance Program.

Alderman Gatsas answered right. Now I assume that where the dormitories at let's say Notre Dame or Hesser...do you inspect those?

Mr. LaFreniere replied currently no.

Alderman Gatsas asked why.

Mr. LaFreniere answered it is a scoping issue. When the program was developed it was not part of the scope of the program. We didn't propose to make any changes there. The primary reason is because those properties as they are administered are inspected internally through their organizations. They have people that are there on staff that maintain and monitor their condition.

Alderman Gatsas stated obviously reading this exemption does not exempt them at this point then. Reading the exemption and I will give you a chance to read it first...

Mr. LaFreniere interjected "no fee shall be charged for inspection performance for student dormitories."

Alderman Gatsas replied I am not concerned about the fees. I am more concerned about the inspections. This says you won't do an inspection if it is governed by the Department of Housing and Urban Development or the State of New Hampshire. Anybody else should be inspected.

Mr. LaFreniere responded the intent of that section and I will check the grammar to insure that that is the case, is to treat the initial part of the sentence, "student dormitories, homes for the elderly, fraternal and charitable or other non-profit organizations", which are inspected pursuant to those requirements. What we did here is we just brought in the scoping that is in the existing ordinance and we didn't spend a lot of effort on trying to amend the language or the scoping. That is certainly something that we can take a look at but I can speak to the intent, which is that those specific types of occupancies that are defined in the statement, "student dormitories, homes for the elderly, fraternal and charitable or other non-profit organizations" are exempted when they have their own organizational inspection...

Alderman Gatsas interjected I understand where you are going and I hear what you are saying but how do you know that they have been inspected. How do we know that the citizens of this City are protected? Does anybody show the Fire Department a certificate or the Building Department a certificate or something that says...

Mr. LaFreniere stated obviously I will have to defer to Deputy Chief Albin to speak about the Fire Department's inspections. I know that they do inspections there. All this exemption is for is for inclusion in the Certificate of Compliance Program. It is not an exemption from meeting the standards of the code. It is exempting them from the inspection or the fee associated with just the compliance program.

Alderman Gatsas replied again let me make myself clear. I am not concerned with the fee. The fee is the last thing that I am concerned with. What I am concerned with is the exemption from inspection.

Mr. LaFreniere responded they are not exempt from all inspections on the City side. They are exempt from the inspections to the Certificate of Compliance Program and I will let Deputy Chief Albin speak now.

Deputy Chief Albin stated in regards to all of the occupancies mentioned in 103.7, we at the Fire Department inspect all of these, particularly once they are established. A lot of times what happens, especially in state reservations is we don't have the statutory authority to go in and enforce local code on state buildings. The courthouse is a perfect example. When they were building that certain exemptions from the code were issued through the Fire Marshall's office because it is a state-owned building. The Youth Development Center falls under that same thing. We do cursory inspections in all of these things at least once a year, but we do them in conjunction with the State Fire Marshall's Office who comes down and does those things. In regards to the nursing homes, homes for the elderly, fraternal or charitable or other non-profit organizations, we inspect them all because of the type of occupancy that they are. If you follow that through for non-profit organizations, there would be no inspections of either one of the hospitals in the City of Manchester, which we do at least once a year. In regards to the inspections, they are called for out of state code and state fire code also. I can't speak to the Certificate of Compliance because we don't issue those. We basically do the life safety inspection in all of those and the life safety inspection in many cases is just as comprehensive as any building inspection.

Alderman Gatsas stated my concern was is somebody going through and inspecting the buildings and they weren't just exempt because they fell into this group. There is nothing in here for waiver of building fees. Is there any jurisdiction on who can waive building permit fees?

Mr. LaFreniere replied the way that that has been historically constructed is that only the Board of Mayor and Aldermen can waive those because it is an ordinance and it is like any other ordinance.

Alderman Gatsas asked that is the full Board.

Mr. LaFreniere answered correct.

Alderman Gatsas asked is there any reason why it shouldn't be stated in here.

Mr. LaFreniere answered we can readily incorporate that. I don't see any reason why it couldn't be stated.

Alderman O'Neil stated I just have a statement and then a few questions. For architects, engineers and contractors it is tough to do business here in Manchester because of the outdated codes and I believe this is a very positive step and creates consistency for the Chief or for Leon. There will be minimal revisions to the codes if I understood comments earlier. David, I don't remember if you said that but let's start with the fire code. Will there be any local revisions to that?

Deputy Chief Albin replied there are several amendments to the code and what we did when we sat down, myself and Leon and Max and other people from the Building Department staff is my position on this was trying to align the model codes that are being presented in the International Building Code with those that the state has adopted through the life safety code. In many instances, the International Code has paralleled what was written in the life safety code or NFPA 101, which is the document that is currently being enforced by the state. In some instances there were discrepancies and if there were discrepancies we came to a consensus agreement between all of us as to what would be the more suitable language to adopt and when you see starting on the last three pages of this document dealing with the ordinance and the amendments to the fire code, when you see those they are basically amendments to bring things in line with other code. There is nothing there that is sort of out of the ordinary. It is just trying to make the life safety code and the building code and the new fire code all consistent.

Alderman O'Neil asked so in the document that was handed out tonight, these are all of the recommended exceptions.

Deputy Chief Albin answered yes.

Alderman O'Neil asked from both the Fire Department and the Building Department.

Mr. LaFreniere answered correct.

Alderman O'Neil stated you touched briefly on this before, Leon, snowloads and we know around the state there have been some problems and knock on wood that we haven't had anything in Manchester. How is that determined? Is there a formula? Are there engineering calculations? How is...obviously there have been some recent buildings that have had some problems around the state...recently constructed buildings.

Mr. LaFreniere replied that is always a concern. The roof snowload is defined in the form of a chart in the code and you have to interpret where you are in the region and this is a chart that is extracted from the national structural standard and we have...a requirement of the adoption procedure is that you include some of that criteria as part of your adoption. One of the things that is going to be new for Manchester is the separation of the residential code from the building code requirements. For example, in the residential code the design criteria is spelled out on your second page right across the line from the snowload at 42 PSF windspeed, so on and so forth. They are all extracted from the table contained within the code itself.

Alderman O'Neil asked and do the snowloads meet or exceed the standards.

Mr. LaFreniere answered they meet or exceed nationally recognized design standards for this region.

Alderman O'Neil stated my final question is is there a mechanism in place that will force us to continue to update codes. I don't know how often the fire code changes, but I know the national electric changes every three years. We should be adopting that regularly and not playing 14-year catch-up or whatever.

Mr. LaFreniere replied in discussions with our Solicitor as well as with the Municipal Association, the way the statutory enabling legislation is constructed we are required to adopt these standards as they come forward. We can't just adopt them by reference without going through the public hearing and public input process. That may change should the state building code come into effect and that is part of the pending legislation that is before the House at this time. If you notice by construction for example on the electrical load we did try to address that by saying that the provisions of NFBA70 National Electric Code 1990 edition and/or such regulations as administered by the State of NH Electrician's Licensing Board shall apply. It is our intent to bring us up from this point forward and maintain currency with all of our code changes so we would bring it forward as soon as the state has adopted it.

Alderman O'Neil asked but shouldn't we have a general statement in the ordinances about it. I don't know, David, if it says anything with regards to updating the fire code. I guess my point is that we should have some language in there that forces us to update as long as it meets the state statute. You know what happens, it gets lost in the shuffle and it is 14 years later and there is a lot of hardship in those 14 years.

Mr. LaFreniere answered I sure don't want to be here 14 years from now telling you that we are going to have to do this again. As I said, because of the construction of the statute I don't know if we can...

Alderman O'Neil interjected can you work on that with the Solicitor and get back to us and Chief I don't know if there is any provision with regards to the fire code.

Deputy Chief Albin replied sort of reiterating what Leon spoke to before with regards to updating the codes, I think it is pretty good practice for us to dovetail the fire code especially where the fire code references directly the building code. We will stay in touch with the Building Department and any modifications to the building code should necessarily drive modifications to the fire code.

Chairman Cashin advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the public hearing, on motion of Alderman Pariseau, duly seconded by Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

City Clerk